

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

Brockton Superior Court
CA NO: 2083CV00957

MICHAEL CREDIT,)
Plaintiff)
)
v.)
)
FEDEX GROUND PACKAGE SYSTEM, INC.)
AND MIDDLEBORO FEDERAL ACQUISITION)
LLC.,)
Defendants

COMPLAINT AND JURY CLAIM

PARTIES

1. The Plaintiff, Michael Credit, is an individual who resides at 61 Long Boat Road, West Wareham, Plymouth County, Massachusetts.
2. The Defendant, FedEx Ground Package System, Inc., is a company with a principal place of business of 100 FedEx Drive, Moon Township, Allegheny County, Pennsylvania.
3. The Defendant, FedEx Ground Package System, Inc. is a company with a Massachusetts location of 17 Cowan Drive, Middleboro, Plymouth County, Massachusetts.
4. The owner of the property located at 17 Cowan Drive, Middleboro, Plymouth County, Massachusetts is Middleboro Federal Acquisition LLC.
5. Middleboro Federal Acquisition LLC is a company with a principal place of business of 19 Lee Avenue, Ste. 185, Brooklyn, Kings County, New York.

FACTS

6. The Plaintiff reaffirms and re-alleges paragraphs 1-5 as if fully set out herein.
7. FedEx Ground Package Systems, Inc. contracts with D & D Trucking of 19 Forest Street in Carver, Plymouth County, Massachusetts, for the transport of product.

8. FedEx Ground Package Systems, Inc. maintains a business address where trailers are stored at 17 Cowan Drive in Middleboro, Plymouth County, Massachusetts.
9. Middleboro Federal Acquisition LLC leased 17 Cowan Drive Middleboro, Plymouth County, Massachusetts to FedEx Ground Package System Inc.
10. The lease was in effect as of January 15, 2018.
11. On January 15, 2018, the Plaintiff Michael Credit drove a truck to the Middleboro FedEx Ground location of 17 Cowan Drive in Middleboro, Massachusetts to hitch up a trailer and drive a load to Connecticut.
12. While doing a circle check of the trailer, for safety purposes, Mr. Credit slipped on snow/ice and struck his hip on the bumper of the trailer and thereafter fell to the ground.

COUNT I
NEGLIGENCE
(FedEx Ground Package System, Inc.)

13. The Plaintiff reaffirms and re-alleges paragraphs 1-12 as if fully set out herein.
14. The Defendant had a duty to clear ice/snow from the parking lot where they kept their trailers in Middleboro at 17 Cowan Drive, Middleboro, Plymouth County, Massachusetts.
15. The Defendant had a duty to clean and maintain the parking lot at 17 Cowan Drive, Middleboro, Massachusetts, so as to ensure the safety of employees, contractors and the public.
16. The Defendant allowed an unsafe accumulation of ice/snow to be present at 17 Cowan Drive, Middleboro, Massachusetts, where their trailers are kept.
17. The Defendant failed to reasonably clear ice/snow from the location where the FedEx Ground Package System, Inc. trailers were kept.
18. As a direct or proximate result of the Defendant's failure to properly maintain the premises in a reasonably safe condition, the Plaintiff sustained serious personal injuries resulting in surgery, scarring, permanent loss of function, lost wages and a loss of earning capacity into the future.

WHEREFORE: The Plaintiff, Michael Credit, demands judgment against the Defendant, FedEx Ground Package System, Inc. in an amount which the Court would deem just and reasonable together with interest and costs and such other relief as the Court deems appropriate.

COUNT II
NEGLIGENCE
(Middleboro Federal Acquisition LLC)

19. The Plaintiff reaffirms and re-alleges paragraphs 1-18 as if fully set out herein.
20. The Defendant had a duty to clear ice/snow from the parking lot where FedEx Ground Package System, Inc.'s trailers were kept, 17 Cowan Drive, Middleboro, Plymouth County, Massachusetts.
21. The Defendant had a duty to clean and maintain the parking lot at 17 Cowan Drive, Middleboro, Massachusetts, so as to ensure the safety of lessees, employees, contractors and the public.
22. The Defendant allowed an unsafe accumulation of ice/snow to be present at 17 Cowan Drive, Middleboro, Massachusetts, where FedEx Ground Package Systems, Inc. stored their trailers.
23. The Defendant failed to reasonably clear ice/snow from the location where the FedEx Ground Package System, Inc. trailers were kept.
24. As a direct or proximate result of the defendant's failure to properly maintain the premises in a reasonably safe condition, the plaintiff sustained serious personal injuries resulting in surgery, scarring, permanent loss of function, lost wages and a loss of earning capacity into the future.

WHEREFORE: The Plaintiff, Michael Credit, demands judgment against the Defendant, Middleboro Federal Acquisition LLC in an amount which the Court would deem just and reasonable together with interest and costs and such other relief as the Court deems appropriate.

JURY CLAIM


The Plaintiff demands a Trial by Jury on all issues.

Respectfully submitted:
Michael Credit,
By His Attorneys:

READY, KIERNAN & McNALLY, LLP

A handwritten signature in black ink, appearing to read 'Michael E. Kiernan', followed by a long horizontal line.

Michael E. Kiernan BBO#637822
267 Main Street
Wareham, MA 02571
508-985-9888

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 2083CV00957	Trial Court of Massachusetts The Superior Court 
CASE NAME: Credit, Michael vs. Fedex Ground Package System, Inc. et al		Robert S. Creedon, Jr., Clerk of Courts
TO: Michael Edward Kiernan, Esq. Ready Kiernan & McNally LLP 267 Main St Wareham, MA 02571		COURT NAME & ADDRESS Plymouth County Superior Court - Brockton 72 Belmont Street Brockton, MA 02301

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		03/15/2021	
Response to the complaint filed (also see MRCP 12)		04/13/2021	
All motions under MRCP 12, 19, and 20	04/13/2021	05/13/2021	06/14/2021
All motions under MRCP 15	04/13/2021	05/13/2021	06/14/2021
All discovery requests and depositions served and non-expert depositions completed	10/12/2021		
All motions under MRCP 56	11/09/2021	12/09/2021	
Final pre-trial conference held and/or firm trial date set			04/08/2022
Case shall be resolved and judgment shall issue by			12/14/2022

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.
Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.
 This case is assigned to

DATE ISSUED 12/14/2020	ASSISTANT CLERK	PHONE
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